

(1) First and Final Account and Report of Guardian of the Estate, (2) Petition for Allowance of Attorney's Fees, (3) for Termination of Guardianship of the Estate and (4) Delivery of Assets

Age: 18 years		DELIA GONZALEZ , Guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Order does not comply with Local Rule 7.6.1. Monetary distributions must be stated in dollars and not as percentages of the estate. The order should specifically state the amount of money to be distributed to the minor after payment of attorney fees and costs.					
		Account period: 10/31/12 – 4/15/14						
		Accounting - \$217,609.50						
		Beginning POH - \$117,353.88						
		Ending POH - \$213,847.84						
Cont. from								
<input type="checkbox"/>	Aff.Sub.Wit.							
<input checked="" type="checkbox"/>	Verified							
<input type="checkbox"/>	Inventory							
<input type="checkbox"/>	PTC							
<input type="checkbox"/>	Not.Cred.							
<input checked="" type="checkbox"/>	Notice of Hrg							
<input checked="" type="checkbox"/>	Aff.Mail	W/						
<input type="checkbox"/>	Aff.Pub.							
<input type="checkbox"/>	Sp.Ntc.							
<input type="checkbox"/>	Pers.Serv.							
<input type="checkbox"/>	Conf. Screen							
<input type="checkbox"/>	Letters							
<input type="checkbox"/>	Duties/Supp							
<input type="checkbox"/>	Objections							
<input type="checkbox"/>	Video Receipt							
<input type="checkbox"/>	CI Report							
<input checked="" type="checkbox"/>	2620(c)							
<input checked="" type="checkbox"/>	Order							
<input type="checkbox"/>	Aff. Posting							
<input type="checkbox"/>	Status Rpt							
<input type="checkbox"/>	UCCJEA							
<input type="checkbox"/>	Citation							
<input type="checkbox"/>	FTB Notice							
<p>Attorney - \$2,304.25 (16.05 hours @ \$80 - \$300 per hour for attorney and paralegal time)</p> <p>Costs - \$460.50 (filing fee, certified copies)</p> <p>Petitioner states the minor is now 18 years old and therefore requests the guardianship be terminated.</p> <p>Petitioner requests that the funds held in the blocked account be delivered to Rafael De La Mora.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Approving, allowing, and settling the account and report of guardian; 2. Authorizing payment of attorney fees and costs; 3. Terminating the guardianship of the estate; 4. Authorizing all funds remaining delivered to Rafael De La Mora. 			<table border="1"> <tr><td>Reviewed by: KT</td></tr> <tr><td>Reviewed on: 6/25/14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 1 – De La Mora</td></tr> </table>	Reviewed by: KT	Reviewed on: 6/25/14	Updates:	Recommendation:	File 1 – De La Mora
Reviewed by: KT								
Reviewed on: 6/25/14								
Updates:								
Recommendation:								
File 1 – De La Mora								

(1) First Account and Report of Guardian, (2) Petition for Allowance of Attorney Fees and Reimbursement of Costs Advanced

Age: 17 years	DELIA GONZALEZ , Guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/31/12 – 10/30/13	Note: If the petition is granted, status hearings will be set as follows:
Cont. from	Accounting - \$117,523.90	<ul style="list-style-type: none"> Wednesday, August 19, 2015 at 9:00 a.m. in Department 303, for the filing of the final account.
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$117,353.88	
<input checked="" type="checkbox"/> Verified	Ending POH - \$113,657.09	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/> Inventory	Attorney - \$1,459.25 (11 hours @ \$80 - \$300 per hour for attorney and paralegal time)	
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$460.50 (filing fee, certified copies)	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	Petitioner prays for an Order:	
<input type="checkbox"/> Sp.Ntc.	5. Approving, allowing, and settling the account and report of guardian;	
<input type="checkbox"/> Pers.Serv.	6. Authorizing payment of attorney fees and costs.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: KT
<input type="checkbox"/> Status Rpt		Reviewed on: 6/25/14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 2A – De La Mora

Status Hearing Re: Receipt of Assets from the Estate

Age: 17 years	<p>DELIA GONZALEZ, paternal aunt, RAFAEL DE LA MORA MARTIN and MARIA DE JESUS GOMEZ MUNOZ, paternal grandparents were appointed guardians of the person on 10/31/12.</p> <p>DELIA GONZALEZ was appointed guardian of the estate on 10/31/12.</p> <p>Letters issued on 10/31/12.</p> <p>Partial Inventory and appraisal filed on 12/18/12 showing a value of \$117,353.88.</p> <p>This status hearing was set to inform the court of the status of the assets to be received from the estates of the minor's deceased parents Lorena De La Mora and Francisco De La Mora.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 120613, 121213, 022114, 050214		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 6/25/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2B – De La Mora</p>		

Age: 14 years	DELIA GONZALEZ , paternal aunt, RAFAEL DE LA MORA MARTIN and MARIA DE JESUS GOMEZ MUNOZ , paternal grandparents were appointed guardians of the person on 10/31/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 120613, 121213, 022114, 050214	DELIA GONZALEZ was appointed guardian of the estate on 10/31/12.	
Aff.Sub.Wit.	Letters issued on 10/31/12.	<p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <p>Note: The first account was filed and is set for hearing on 7/16/14. However, the court will still need the status of the assets to be received from the minor's parents' estates.</p>
Verified	Partial Inventory and Appraisal filed on 12/18/12 shows a value of \$117,353.17.	
Inventory	This status hearing was set to inform the court of the status of the assets to be received from the estates of the minor's deceased parents Lorena De La Mora and Francisco De La Mora.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 6/25/14
		Updates:
		Recommendation:
		File 3 – De La Mora

First Report and Account of Personal Representative and Petition for Approval and Settlement Thereof

DOD: 2-23-09		DYANNA MATTHEWS , Executor with Limited IAEA without bond, is Petitioner. Account period: 1-22-13 through 2-28-14 Accounting: \$136,986.96 Beginning POH: \$132,706.96 Ending POH: \$126,762.88 (\$89.88 cash plus Decedent's 2/3 interest in certain real property) Petitioner states the decedent owned a 2/3 undivided interest in certain residential real property on Tollhouse Lane in Clovis, which was occupied by one of the decedent's sons, Donald Brazeal, as tenant. Petitioner had previously been administrator under power of attorney of that real property for the decedent's benefit, which had been operating at a loss. Upon appointment as personal representative, Petitioner continued to receive rents and disburse funds for payment of mortgage debt and homeowners' association assessments on the property, advancing her own personal funds to make up the operating loss until receipt of the decedent's bank account. Thereafter, receipts were deposited into the estate bank account. Petitioner reimbursed herself for a portion of the advances she had made from the estate checking account until it was substantially exhausted. The property was vacated in November 2013. The property had been damaged after the decedent's death by an uninsured water leak and had declined in value. Petitioner obtained estimates to restore the property to marketable condition and listed the house for sale for \$152,000, 2/3 of which is \$101,333.00. Petitioner requests that the first account be settled, allowed and approved and that all acts and proceedings of Petitioner be confirmed and approved.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Report of Sale filed 5-16-14 for Court confirmation of the sale of the decedent's interest in real property is set for hearing on 7-7-14. 1. Petitioner does not address notice to creditors pursuant to Probate Code §9050 or notice to the various agencies that may be required under Probate Code §9202. 2. Need clarification: It appears from the reconciliation schedule that Petitioner expended \$5,755.00 of her own funds for mortgage and HOA expenses, and reimbursed herself \$2,670.00 and then \$2,700.00, for a total of \$5,370.00. That leaves the amount still owing to Petitioner as \$385.00. Is this correct? It does not appear that Petitioner sought Court approval for her reimbursement. The Court may require clarification. <u>Note:</u> If approved, the Court will set a status hearing for the filing of the final accounting as follows: • Thursday 1-22-15 If the appropriate documents are filed, the status hearing may be taken off calendar.
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	1-22-13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202	X	
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	X	

Gennadiy and Lidia Kitsen's Motion to Enforce Stipulation and Order for Visitation

			GENNADIY and LIDIA KITSEN , Maternal Aunt and Uncle, and former Temporary Guardians, are Petitioners.
	Aff.Sub.Wit.		Petitioners state that pursuant to the stipulation for visitation which later became the order of the court, Petitioners would be entitled to a weekend visitation with the children once every two months. However, the father has refused to permit visitation. See petition for details.
✓	Verified		Petitioners request this Court grant their motion to enforce the Stipulation and Order for Visitation.
	Inventory		Opposition filed by Mikhail Rybin (Father) states on 11-22-13, this matter was held in Yolo County Court. The Court gave no weight to the stipulation signed by the parties here, as it had no file stamp and was not a Court order. Yolo County Court gave the opportunity for all parties including Lidia and Gennadiy to structure a visitation schedule suitable to the children.
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		On 12-20-13, Fresno County Court dismissed the entire action including the Ex Parte Petition for Visitation.
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	On 1-10-14, a current visitation schedule was made. See Yolo County Court order attached.
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
1. This probate guardianship action was dismissed pursuant to Minute Order 12-20-13 and pursuant to a stipulation between the parties, and an order thereon, the children were returned to the custody of their father. Petitioners, as former temporary guardians, were granted visitation. Pursuant to Probate Code §1602, once the children are returned to the parents' custody, any modification to visitation orders for the former guardians shall be addressed in the Family Court. It appears that there is an existing family law case with current custody and visitation orders between the parents in Yolo County Superior Court. Petitioners may wish to seek joinder to the existing family law case using the procedure outlined in Probate Code §1602 in order to request enforcement or modification of the exit order made by this Probate Court. See Probate Code §1602 and corresponding Family Code §3105.
Reviewed by: skc
Reviewed on: 6-24-14
Updates:
Recommendation:
File 5 - Rybin

DOD: 9-21-12		<p>ROSARIO R. FORESTIERE, Spouse and named Executor without bond, is Petitioner.</p> <p>Petitioner was originally appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13</p> <p>Petitioner now requests that the decedent's will dated 8-5-65 be admitted to probate and that he be appointed as Executor pursuant to the will.</p> <p>Full IAEA – ok</p> <p>Will dated 8-5-65</p> <p>Residence: Fresno Publication: Petitioner references publication filed 11-30-12</p> <p>Value of Estate:</p> <ul style="list-style-type: none"> I&A filed 3-18-13 indicates a total estate value of \$122,000.00 consisting of real property and a vehicle. Order Confirming Sale of Real Property filed 1-3-14 indicates that the real property was sold for \$175,000.00. <p><u>Note:</u> Page C of this calendar is a status hearing set for filing the receipt for blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> The will is not self-proving. Petitioner has provided a Declaration from Marvin T. Helon pursuant to Probate Code §8221 attesting as to the handwriting of his father Marvin E. Helon, who was one of the subscribing witnesses, as well as a Declaration from Rosario Forestiere (Petitioner and spouse) attesting as to the handwriting of the decedent.</p> <p><u>Note:</u> On 5-7-14, Andre Forestiere filed “Opposition to Petition to Administer Estate and to Remove and Disqualify Administrator/Executor and to Appoint a New Executor.” However, this was filed as a new matter rather than an opposition to this petition and was therefore was set for hearing separately. See Page D.</p>	
Cont from 042814, 052814, 061914				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: skc

Reviewed on: 6-24-14

Updates:

Recommendation:

File 6A - Forestiere

DOD: 9-21-12	ROSARIO R. FORESTIERE , Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states the estate is not in a condition to be closed at this time because a will has been discovered and a Petition for Probate of Will is in process. In addition, escrow on the sale of the residence has not yet closed. The Court may require additional information as to the anticipated time frame for close of escrow, filing the petition for probate of will, and then closing the estate. <u>Note: The Petition for Probate of Will filed 3-19-14 is Page A.</u> 2. The Administrator was previously appointed with Limited IAEA without bond. At this time, since the residence has sold for a purchase price of \$175,000.00, the Court may require bond or blocked account going forward.
Cont. from 032114, 042814, 052814	At hearing on 1-3-13, the Court set this status hearing for the filing of the first account or petition for final distribution.	
Aff.Sub.Wit.	Status Report filed 3-11-14 by Attorney Wright states that a will has now been discovered and a Petition for Probate of Will is in process. The assets of the estate include the decedent's home, personal vehicle, and personal effects. On 12-31-13, the Court approved the sale of the residence and it is currently in escrow. The estate is not in a condition to be closed until the will has been admitted and escrow has closed.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc Reviewed on: 6-24-14 Updates: Recommendation: File 6B – Forestiere		

		ROSARIO R. FORESTIERE , Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.	NEEDS/PROBLEMS/COMMENTS:
Cont from 052814, 061914		On 1-3-14, the Court confirmed the sale of real property at \$175,000.00.	Minute Order 6-19-14: The Court authorizes the funds to be transferred to Mr. Janisse's trust account with subsequent placement in a blocked account. Andre Forestiere agrees to service by email and provides email address. The Court orders Mr. Forestiere to provide a permanent mailing address once one is obtained. Continued to 6-26-14. Set on 6-26-14 for Status Re Issues before the Court and objections. Note: Page E is the additional status hearing set by the above minute order. 1. Need receipt for blocked account (MC-356).
Aff.Sub.Wit.		At the status hearing on 3-21-14 regarding the filing of the first account or petition for final distribution, it was noted that the estate is not in a condition to close at this time because a will has been found and the Administrator would be filing a petition to admit the will to probate. See Page A.	
Verified		The Court ordered the proceeds from the sale of the property deposited into a blocked account and set this status hearing for filing of the receipt.	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 6-24-14	
		Updates:	
		Recommendation:	
		File 6C - Forestiere	

**Opposition to Petition to Administer Estate and to Remove and Disqualify
Administrator/Executor and to Appoint a New Executor**

		ANDRE FORESTIERE , Son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		ROSARIO R. FORESTIERE , Spouse, was appointed Administrator on 1-3-13 and has a petition pending to be appointed as Executor of the decedent's will dated 8-5-65 and admit the will to probate. See Page A.	<p>Note: On 5-7-14, Andre Forestiere filed "Opposition to Petition to Administer Estate and to Remove and Disqualify Administrator/Executor and to Appoint a New Executor." It appears this petition is also an opposition to the Administrator's petition to admit the will to Probate at Page A; however, it was filed as a new matter due to the petition included in the request (to appoint a new executor).</p>
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Petitioner states Rosario has a conflict of interest and that he, together with other members of his family, has engaged in a conspiracy to commit elder abuse upon the decedent in an effort to acquire and control the decedent's community property interest in the real property commonly known as the Underground Gardens, and should not be allowed to benefit from his wrongful conduct.</p> <p>Petitioner requests that the decedent's tilte to the Underground Gardens be restored and that a trust be created to manage her interests therein; that the Court award the trust one half of the revenues and royalties derived from the Gardens since the decedent was wrongfully deprived of her title, that all contracts and leases be declared null and void, and that Rosario's abusive and malicious conduct merits the imposition of treble damages of the loss to the decedents estate and punitive damages and that the new executor be directed to pursue claims against all parties who aided and abetted Rosario's wrongful conduct. Petitioner also requests legal fees. See Declaration, Request for Judicial Notice</p> <p>Administrator's Response filed 6-6-14 states this Opposition is little more than an attempt by a disgruntled child to interfere with administration of his mother's estate. The allegations, which the Administrator vehemently denies, are irrelevant to the issue before the Court. The Opposition further raises a litany of issues that are not properly before the Court. The Administrator provides factual background and requests that the Opposition be denied, that the will be admitted to probate, that the Administrator be appointed as Executor with limited authority, and for all other relief the Court deems proper.</p> <p>Petitioner filed a Reply on 6-12-14, as well as a transcript of a recording. (Note: Points and Authorities are not summarized in Examiner Notes.)</p>	<ol style="list-style-type: none"> This petition discusses property that is not an asset of the decedent's estate, and also alleges fraud and elder abuse, which must be addressed under proper authority in civil court. Petitioner requests that a new executor be appointed; however, Petitioner did not file the mandatory Judicial Council form Petition for Probate or Letters of Administration (DE-111), did not serve Notice of Petition to Administer Estate, and did not publish, etc. Petitioner requests legal fees; however, Petitioner is self-represented. Notice of Hearing was served on 6-12-14, which did not provide the 15 days' notice required by law. Need order.
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		Reviewed by: skc
<input type="checkbox"/>	UCCJEA		Reviewed on: 6-24-14
<input type="checkbox"/>	Citation		Updates:
<input type="checkbox"/>	FTB Notice		Recommendation:
			File 9E - Forestiere

Status Hearing Re: Issues before Court and Objections

		<p>ROSARIO R. FORESTIERE, Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.</p> <p>On 1-3-14, the Court confirmed the sale of real property at \$175,000.00.</p> <p>At the status hearing on 3-21-14 regarding the filing of the first account or petition for final distribution, it was noted that the estate is not in a condition to close at this time because a will has been found and the Administrator would be filing a petition to admit the will to probate. See Page A.</p> <p>The Court ordered the proceeds from the sale of the property deposited into a blocked account and set status hearing for filing of the receipt.</p> <p>At the continued status hearing re filing the receipt on 6-19-14, the Court set this additional Status Hearing re Issues before the Court and Objections.</p>	NEEDS/PROBLEMS/COMMENTS:

(1) Petition for Settlement of First and Final Account and (2) Final Distribution and (3) for Order Fixing and Allowing Compensation for All Services Rendered

DOD: 10/07/12	WALTER LORENZ, Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Account period: 03/29/13 – 05/30/13		1. No calculation of the statutory fee is provided in the Petition as required pursuant to CA Rules of Court Rule 7.705. 2. No itemization of the requested costs is provided. 3. The Petition does not address notices to the Victim's Compensation Board or the Franchise Tax Board (Probate Code § 9202). 4. Need Order.
Cont. from	Accounting - \$85,000.00		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$85,000.00		
<input checked="" type="checkbox"/> Verified	Ending POH - \$74,154.88 (all cash)		
<input checked="" type="checkbox"/> Inventory	Administrator - \$3,400.00		
<input checked="" type="checkbox"/> PTC	Administrator reimbursement - \$20,958.00 (for expenses incurred in maintaining and selling the real property asset of the estate, itemization provided))		
<input checked="" type="checkbox"/> Not.Cred.	Attorney - \$3,400.00 (statutory)		
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$677.43 (no itemization provided)		
<input checked="" type="checkbox"/> Aff.Mail	Closing - \$750.00		
<input type="checkbox"/> Aff.Pub.	Distribution, pursuant to intestate succession, is to:		
<input type="checkbox"/> Sp.Ntc.	Dave Predergast - \$11,242.36		
<input type="checkbox"/> Pers.Serv.	Bonnie Prendergast - \$11,242.36		
<input type="checkbox"/> Conf. Screen	Andrew Prendergast - \$11,242.36		
<input type="checkbox"/> Letters 03/29/13	Timothy Prendergast - \$11,242.36		
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	<input checked="" type="checkbox"/>		
			Reviewed by: JF
			Reviewed on: 06/25/14
			Updates:
			Recommendation:
			File 7 - Lorenz

Petition to Modify Irrevocable Trust

		<p>BARBARA A. BERBERIAN, Co-Settlor, is Petitioner. (Co-Settlor Richard Berberian is deceased.)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> JOSEPH M. BERBERIAN is the current Trustee of the JOSEPH M. BERBERIAN 2012 IRREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); he is the current lifetime beneficiary of the Trust; his issue are contingent remainder beneficiaries of the Trust; Petitioner seeks to modify the Trust, and the Petitioner, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibits B and C); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as Exhibit D; copy of the proposed Modified Trust attached as Exhibit E); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioner for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Pursuant to Probate Code § 15404(b), if the Settlers and certain, but not all, of the beneficiaries consent, they may <u>compel</u> [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;" <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 8 through 12 are related trust matters.</p> <p>Continued from 5/1/2014. Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties.</p> <p>Note: Notice of Hearing filed 5/2/2014 shows notice was mailed 5/2/2014 to all interested parties.</p> <p align="center">~Please see additional page~</p>	
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<input type="checkbox"/>	FTB Notice			

Petitioner states, continued:

- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification; *(signed written consents attached as Exhibits B and C)*;
- The contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being; *[Note: currently ascertainable contingent remainder beneficiaries are **JOHN MITCHELL BERBERIAN** and **REBECCA ROSE BERBERIAN**, the two minor children of **JOSEPH M. BERBERIAN**];*
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **JOSEPH M. BERBERIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **JOSEPH M. BERBERIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary; *[Note: Co-Settlor Barbara A. Berberian is petitioning the Court; Co-Settlor Richard Berberian is deceased, DOD 6/12/2013.]*

Petitioner prays for an order modifying the Trust as set forth in *Exhibit E* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **995** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

		<p>MICHAEL BERBERIAN and BARBARA J. BERBERIAN, Co-Settlers, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> MARY D. GUIRAGOSSIAN is the current Trustee of the MARY D. GUIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (<i>copy of Trust attached as Exhibit A</i>); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (<i>signed written consents attached as Exhibits B and C</i>); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (<i>copy of proposed modification attached as Exhibit D</i>; <i>copy of the proposed Modified Trust attached as Exhibit E</i>); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 8 through 12 are related trust matters.</p> <p><u>Continued from 5/1/2014.</u> Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties.</p> <p><u>Note:</u> Notice of Hearing filed 5/2/2014 shows notice was mailed 5/2/2014 to all interested parties.</p>	
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	Objection			
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	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: LEG</p> <p>Reviewed on: 6/24/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Guiragossian</p>	

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlers and certain, but not all, of the beneficiaries consent, they may compel [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification; (signed written consents attached as Exhibits B and C);
- The contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being; [Note: currently ascertainable contingent remainder beneficiaries are **JOHN V. GUIRAGOSSIAN** and **ANNA M. GUIRAGOSSIAN**, the two minor children of **MARY D. GUIRAGOSSIAN**];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **MARY D. GUIRAGOSSIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **MARY D. GUIRAGOSSIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlers, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlers predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in Exhibit E attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **120** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1(F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

Petition to Modify Irrevocable Trust

			<p>MICHAEL BERBERIAN and BARBARA J. BERBERIAN, Co-Settlers, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> SUSAN M. BROWN is the current Trustee of the SUSAN M. BROWN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (<i>copy of Trust attached as Exhibit A</i>); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, the ascertainable contingent beneficiaries of the Trust, and the Trustee all consent to the proposed modification; (<i>signed written consents attached as Exhibits B, C, D, E and F</i>); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (<i>copy of proposed modification attached as Exhibit G; copy of the proposed Modified Trust attached as Exhibit H</i>); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; <p align="center"><i>~Please see additional page~</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 8 through 12 are related trust matters.</p> <p><u>Continued from 5/1/2014.</u> Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties.</p> <p><u>Note:</u> Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each person entitled to notice of the <i>Petition</i>. However, <i>Proof of Service by Mail</i> filed 3/17/2014 shows all persons entitled to notice (including ascertainable contingent remainder beneficiaries) pursuant to Probate Code §§ 15804(a) and 17203(a)(2) were mailed notice on 3/14/2014.</p>
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	Letters			
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	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
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	FTB Notice			
			<p>Reviewed by: LEG</p>	
			<p>Reviewed on: 6/24/14</p>	
			<p>Updates:</p>	
			<p>Recommendation:</p>	
			<p>File 10 - Brown</p>	

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlor and certain, but not all, of the beneficiaries consent, they may compel *[emphasis in petition]* the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor, the current lifetime beneficiary of the Trust, and the adult contingent remainder beneficiaries of the Trust have consented to the proposed modification;
- The remaining contingent remainder beneficiaries have not consented because the remaining contingent remainder beneficiaries are comprised of persons not yet in being (i.e., the issue of Susan M. Brown and/or the issue of any of the adult contingent remainder beneficiaries); *[Note: currently ascertainable contingent remainder beneficiaries are **MICHAEL P. BROWN**, **ADAM K. BROWN**, and **DAVID J. BROWN**, the three adult children of **SUSAN M. BROWN**];*
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **SUSAN M. BROWN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **SUSAN M. BROWN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in *Exhibit H* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **120** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

Petition to Modify Irrevocable Trust

		<p>BARBARA A. BERBERIAN, Co-Settlor, is Petitioner. (Co-Settlor Richard Berberian is deceased.)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> ERIN BERBERIAN GLEASON is the current Trustee of the ERIN BERBERIAN GLEASON 2012 IRREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioner seeks to modify the Trust, and the Petitioner, the lifetime Trust beneficiary, the adult contingent remainder beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibits B, C, and D); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as Exhibit E; copy of the proposed Modified Trust attached as Exhibit F); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioner for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 8 through 12 are related trust matters.</p> <p>Continued from 5/1/2014. Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties.</p> <p>Note: Notice of Hearing filed 5/2/2014 shows notice was mailed 5/2/2014 to all interested parties.</p>	
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	Aff. Posting			
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	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/24/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Gleason</p>		

Petitioner states, continued:

- Pursuant to Probate Code § 15404(b), if the Settlor and certain, but not all, of the beneficiaries consent, they may compel *[emphasis in petition]* the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor, the current lifetime beneficiary of the Trust, and the adult remainder beneficiary of the Trust, have consented to the proposed modification; *(signed written consents attached as Exhibits B, C, and D);*
- The remaining contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being (i.e., the issue of **ERIN BERBERIAN GLEASON**, and/or the issue of Settlor's son, **JOSEPH M. BERBERIAN**). *[Note: current adult contingent remainder beneficiary is **JOSEPH M. BERBERIAN**, and the currently ascertainable contingent remainder beneficiaries are his two minor children, **JOHN MITCHELL BERBERIAN** and **REBECCA ROSE BERBERIAN**];*
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **ERIN BERBERIAN GLEASON**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **ERIN BERBERIAN GLEASON** and the adult remainder beneficiary, **JOSEPH M. BERBERIAN**, can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary; *[Note: Co-Settlor Barbara A. Berberian is petitioning the Court; Co-Settlor Richard Berberian is deceased, DOD 6/12/2013.]*

Petitioner prays for an order modifying the Trust as set forth in *Exhibit F* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

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12 Patricia A. Berberian 2012 Irrevocable Ranch Trust Case No. 14CEPR00206

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

			MICHAEL BERBERIAN and BARBARA J. BERBERIAN , Co-Settlers, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Pages 8 through 12 are related trust matters. <u>Continued from 5/1/2014.</u> Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties. Note: Notice of Hearing filed 5/2/2014 shows notice was mailed 5/2/2014 to all interested parties.
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Cont. from 050114			<ul style="list-style-type: none"> PATRICIA A. BERBERIAN is the current Trustee of the PATRICIA A. BERBERIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (<i>copy of Trust attached as Exhibit A</i>); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (<i>signed written consents attached as Exhibits B and C</i>); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (<i>copy of proposed modification attached as Exhibit D</i>; <i>copy of the proposed Modified Trust attached as Exhibit E</i>); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; 	
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			Reviewed by: LEG	
			Reviewed on: 6/24/14	
			Updates:	
			Recommendation:	
			File 12 – P. Berberian	

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlers and certain, but not all, of the beneficiaries consent, they may compel *[emphasis in petition]* the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification;
- The contingent remainder beneficiaries have not consented because the remaining contingent remainder beneficiaries are comprised of minors and persons not yet in being; *[Note: currently ascertainable contingent remainder beneficiaries are **ELIZABETH M. MILLER**, and **ALEXANDRA N. MILLER**, the two minor children of **PATRICIA A. BERBERIAN**];*
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **PATRICIA A. BERBERIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **PATRICIA A. BERBERIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlers, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlers predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in *Exhibit E* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **120** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1(F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

Atty **Wright, Judith A., of Wright & Wright (for Petitioner Neil Walden, Trustee)****Petition to Appoint Successor Trustee**

			<p>NEIL WALDEN, Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner was appointed Successor Trustee of the Trust by the BRIM J. CARTER AND JUNE A. CARTER REVOCABLE LIVING TRUST dated 9/30/1997 to serve upon the disability or death of BRIM J. CARTER and JUNE A. CARTER (copy of Trust attached as Exhibit A); Petitioner accepted the office of Successor Trustee on 12/18/2013; (Petitioner's name was misspelled in the Trust; attached as <i>Exhibit B</i> is a letter from Mr. Tahajian documenting that Neil Waldrum and Neil Walden are one in the same person;) BRIM J. CARTER was found to meet the definition of incapacity by documentation provided by his attending physicians dated 11/22/2013 and 11/28/2013; (copies attached as <i>Exhibit C</i>); JUNE A. CARTER was found to meet the definition of incapacity by documentation provided by her attending physicians dated 10/21/2013 and 11/5/2013 (copies attached as <i>Exhibit C</i>); Trust terms provide that should both BRIM J. CARTER and JUNE A. CARTER become disabled and fail to serve, Petitioner was to serve as sole Successor Trustee; If Petitioner fails to serve, then NORTHERN TRUST BANK was to serve in his place; Declination of NORTHERN TRUST BANK to serve is attached as <i>Exhibit D</i>; As a result, there is no successor trustee to Petitioner; Due to the nature of the disability of BRIM J. CARTER and JUNE A. CARTER, Trust administration may continue for a number of years; Petitioner believes it is in the best interest of future trust administration to have a successor trustee in place; Petitioner requests the Court appoint SHIRLEY L. PAUL, daughter of BRIM J. CARTER and JUNE A. CARTER, to serve as his sole successor trustee without bond (consent to serve attached as <i>Exhibit E</i>); SHIRLEY L. PAUL is familiar with the family business; prior to the date of her parent's incapacity, she was active in the administration of the business, and since her parents' disability, she has agreed to and is serving as the Secretary and Chief Financial Officer of the family's business; Petitioner believes that SHIRLEY L. PAUL'S appointment as his successor trustee is in the best interest of the trust and of those persons interested in the trust. <p>Petitioner requests that the Court appoint SHIRLEY L. PAUL to serve as sole Successor Trustee without bond should NEIL WALDEN fail to serve for any reason.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LEG
Reviewed on: 6/24/14
Updates:
Recommendation:
File 13 - Carter

DOD: 04/01/2014		CONNIE HAMLIN , daughter, is petitioner and requests appointment as Administrator without bond. All heirs waive bond Full IAEA – o.k. Decedent died intestate Residence: Caruthers Publication: The Business Journal <u>Estimated value of the Estate:</u> Personal property - \$20,000.00 Real property - \$150,000.00 Total - \$170,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> • Wednesday, 11/26/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 08/26/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from 060914			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV Reviewed on: 06/24/2014 Updates: Recommendation: Submitted File 14 - Ash	

Fred W. Schardt DOD: 1-17-99		JOHN F. SCHARDT , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Elizabeth C. Hiemforth aka Elizabeth Schardt DOD: 9-29-13			
		Petitioner states the decedent, ELIZABETH C. HIEMFORTH, aka ELIZABETH SCHARDT , died 9-29-13. Decedent's first husband, Fred W. Schardt, died 1-17-99. Decedent later married Clifford W. Hiemforth, pursuant to a premarital agreement dated 11-14-03.	
	Aff.Sub.Wit.	Decedent and Fred W. Schardt created the Fred W. Schardt Family Trust on 3-3-89, and Elizabeth signed an amendment on 6-21-06.	
✓	Verified		
	Inventory	Petitioner requests this Court confirm that the assets set forth in Exhibit B are deemed assets of the trust and under Petitioner's control as trustee. Petitioner believes these assets are subject to his control as trustee as part of the trust declaration or as validly transferred and assigned under the general transfer and assignment contained in the trust agreement. Under the General Assignment, the trustors expressly stated their intent to transfer all assets to the trust. See <u>Estate of Heggstad</u> , §15200.	
	PTC		
	Not.Cred.	Specifically, Petitioner requests to confirm the following assets: RBC Wealth Management Account xx991 and USAA Investment Management Account xx230, and provides the history of the accounts. Page 2 for details.	
✓	Notice of Hrg		
✓	Aff.Mail	W	Reviewed by: skc Reviewed on: 6-25-14 Updates: Recommendation: File 15 - Schardt
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	Petitioner states it was Decedent's intent pursuant to the terms of the trust, her will, and also her premarital agreement, that her assets be distributed pursuant to the terms of the trust.	
		Petitioner prays for an order that: <ol style="list-style-type: none"> The FRED W. SCARDT FAMILY TRUST under Trust agreement dated 3-3-89 is in existence; The assets set forth on Exhibit B are subject to Petitioner's control as successor trustee thereof; and For such other and further relief as the Court may deem just and proper. 	

History of Accounts:

In addition to the General Assignment, the Trust's Schedule A (dated 3-3-89) lists the following account:

- Stock Account at A.G. Edwards & Sons, Inc., Acct. No. xx025, containing specific stocks.

Petitioner states:

- In 1994, the assets from the AG Edwards account were transferred into a new account opened with RPR Clearing Services.
- In 1996, the assets from RPR Clearing Services were transferred into a new account opened with AmeriTrade.
- The assets transferred into the AmeriTrade account were deposited into an account with Jones & Associates Capital Management, which later became Coastal Discount Stockbrokers.
- In 2003, when Decedent signed her premarital agreement with Clifford Hiemforth, the premarital agreement listed the account with Coastal Discount Stockbrokers as Decedent's asset.
- Coastal Discount Stockbrokers was sold to Ferris Baker Watts, and in 2004, an account was opened under the name of "Elizabeth Hiemforth" with the assets from the Coastal Discount Stockbrokers.
- Finally, Ferris Baker Watts was sold to RBC Wealth Management, where the assets now reside.

Petitioner states the RBC Wealth Management account should be deemed an asset of the trust, in that the account changed name, but assets remained the same over time from the original account with AG Edwards & Sons, Inc., to the current account with RBC Wealth Management.

Additionally, the Decedent listed an account with USAA Investment Management Company as her asset on the 2003 premarital agreement. Petitioner states the Decedent titled the account as "Elizabeth C. Hiemforth Trust," an entity which, to Petitioner's knowledge, does not exist, but which demonstrates a declaration by Decedent that she held the property as trustee, manifesting her intent to create a trust.

Under the terms of Decedent's will, the residue of her estate is to distribute to the Fred W. Schardt Family Trust. Given that Decedent listed this account as part of her existing estate in her premarital agreement, mistakenly titled in the name of a nonexistent trust, and given the general assignment and the disposal of the residue of her estate to the trust pursuant to her will, Petitioner asserts that the USAA Investment Management Account should also be deemed an asset of the trust.

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 08/31/2013		EIKO II , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition does not set forth enough facts for the Court to determine that it is indeed community property. Attachment 7 does not set forth the following: <ul style="list-style-type: none"> • The date the property was acquired. • That all the property the petitioner is asking to pass was acquired during the marriage using community property funds and was not received by gift, devise or bequest.
		No other proceedings.	
		Decedent died intestate.	
Cont. from		Petitioner states decedent and petitioner were married on 04/11/1975, in Las Vegas, Nevada. All property taxes, insurance and maintenance has been paid with community funds. All income received from the property has been reported on join income tax returns and any income taxes have been paid with community funds.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV Reviewed on: 06/24/2014 Updates: Recommendation: File 16 - Haruo

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 10/13/2013	JANIS NAKAMOTO SERA, TOBY DEAN NAKAMOTO and SHARON KAY KAYO NAKAMOTO SALDANA , children, are petitioners.		NEEDS/PROBLEMS/COMMENTS: 1. Inventory and Appraisal appears to be a copy. Need Original.
	40 days since DOD.		
Cont. from	No other proceedings		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$140,000.00		
<input checked="" type="checkbox"/> Verified	Will dated: 09/08/2006 devises all property pass to Janis Nakamoto Sera, Toby Dean Nakamoto and Sharon Kay Kayo Nakamoto Saldana.		
Inventory	Petitioners request Court determination that decedent's 100% interest in real property located at 2977 E. Holland Ave. Fresno, Ca. pass 1/3 rd to Janis Nakamoto Sera, 1/3 rd to Toby Dean Nakamoto and 1/3 rd to Sharon Kay Kayo Nakamoto Saldana pursuant to decedent's will.		
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 06/25/2014
			Updates:
			Recommendation:
			File 17 - Nakamoto

Atty Lyon, Paul J., sole practitioner (for Petitioners George M. Smith and Michelle J. Smith)

**Petition for Appointment of Limited Probate Conservator of the Person
(Prob. C. 1820, 1821, 2680-2682)**

Age: 26 years	NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	GEORGE M. SMITH and MICHELLE JO SMITH, parents, are Petitioners and request appointment as Limited Co-Conservators of the Person. <i>(Medical consent powers not requested.)</i>	<p align="center">OFF CALENDAR</p> <p align="center"><i>First Amended Petition for Appointment of Limited Probate Conservator was filed 6/9/2014, and is set for hearing on 7/10/2014.</i></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG Reviewed on: 6/24/14 Updates: Recommendation: File 18 - Smith

Atty Lyon, Paul J., sole practitioner (for Petitioners George M. Smith and Michelle J. Smith)

**Petition for Appointment of Limited Probate Conservator of the Person
(Prob. C. 1820, 1821, 2680-2682)**

Age: 23 years	NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	GEORGE M. SMITH and MICHELLE JO SMITH , parents, are Petitioners and request appointment as Limited Co-Conservators of the Person. <i>(Medical consent powers not requested.)</i>	<p align="center">OFF CALENDAR</p> <p align="center"><i>First Amended Petition for Appointment of Limited Probate Conservator was filed 6/9/2014, and is set for hearing on 7/10/2014.</i></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG Reviewed on: 6/24/14 Updates: Recommendation: File 19 - Smith

Status Hearing Re: Filing of the Bond

[illegible]

First Amended Petition for Probate of Will and for Letters Testamentary

DOD: 8-16-13		MICHAEL D. COWIN and DANIEL RAY COWIN , named Co-Executors without bond, are Petitioners. Full IAEA – ok Will dated: 3-19-04 Residence: Clovis Publication – Business Journal Estimated Value of the Estate: Personal property: \$220,000.00 Probate Referee: Steven Diebert Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> • Thurs 9-4-14 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Thurs 9-3-15 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	NEEDS/PROBLEMS/COMMENTS: Note: Michael Cowin previously filed a Petition for Probate of Will requesting to be appointed as Executor alone. At hearing on 1-23-14, Daniel Cowin, the other named co-executor, appeared. The parties were directed to participate in mediation. At hearing on 1-27-14, Michael Cowin's petition was denied without prejudice and the Court directed that an amended petition be filed and no republication be required. Note: Michael Cowin's original petition was originally published for the hearing date of 1-23-14. However, the hearing date for this amended petition for appointment of Michael Cowin and Daniel Cowin has <u>not</u> been published pursuant to the Court's minute order of 1-27-14. Continued from 3-13-14: The Court is advised that an agreement was reached during mediation. Petitions to file a petition to close an estate with no assets. Examiner's Note: Nothing further has been filed. The estate has not been established. No one has been appointed as executor. Distribution is not appropriate. Petitioners have not explained why \$220,000.00 was alleged, but now there are no assets. Petitioners are not the only heirs and there may be creditors. Petitioners may wish to seek legal advice from an attorney regarding the issues and notes noted below that remain: <ol style="list-style-type: none"> 1. Need Notice of Petition to Administer Estate (DE-121). 2. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing on: - Alvin Leon Cowin, Jr. - Kenneth Paul Cowin Note: The two petitioners were directed to participate in mediation for the purpose of working together as co-executors in accordance with the decedent's will. However, the mediation agreement filed 3-10-14 by Daniel Cowin appears to address distribution. <u>Please note: Distribution is not appropriate at this point. This hearing is for appointment of the co-executors only and distribution cannot be addressed until the estate has been inventoried and appraised, creditors are adequately provided for, and the estate is in a position to be closed according to applicable law. At that time, and upon further petition, the Court will order distribution pursuant to the will and applicable law.</u> <u>Please also note: The other heirs were not party to the mediation and have not been noticed for any hearings. Whatever agreements were reached between the two petitioners regarding distribution may not be appropriate. The parties are strongly encouraged to seek legal advice from an attorney going forward.</u>	
Cont. from 031314, 050114				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			X
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc				
Reviewed on: 6-24-14				
Updates:				
Recommendation:				
File 21A – Galvan				

Atty Cowin, Michael D.

Atty Cowin, Daniel Ray

Order to Show Cause Re: Failure to Appear

			MICHAEL D. COWIN and DANIEL R. COWIN filed an Amended Petition for Probate of Will and Letters Testamentary on 2-11-14. At the continued hearing on 5-1-14, there were no appearances and the Court set this Order to Show Cause regarding failure to appear and ordered both Michael Cowin and Daniel Cowin to be personally present. The Order to Show Cause and a copy of the Examiner Notes were mailed to Michael Cowin and Daniel Cowin on 5-16-14.	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
			Reviewed by: skc	
			Reviewed on: 6-24-14	
			Updates:	
			Recommendation:	
			File 21B - Galvan	

21B

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 01/09/98		RALPH EAVES , son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD.	OFF CALENDAR Amended Petition filed 06/19/14 and set for hearing on 07/24/14
		No other proceedings.	
Cont. from 032714, 042414		I & A - \$65,000.00	<ol style="list-style-type: none"> The Petition indicates that the decedent had a will, however no copy of the will is attached to the petition and it does not appear that a will has been deposited with the Court. Need clarification as to whether the decedent had a will or died intestate. The Petition indicates that the decedent had a predeceased spouse; therefore the name and date of death of predeceased spouse must be listed in attachment 14. Further all heirs of the decedent including all children (even if they are now deceased, and if so their date of death must be stated) and grandchildren of the decedent. Note: The Petitioner states that he is the decedent's only surviving son. This seems to indicate that the decedent had other children besides Petitioner. All decedent's children even if they are deceased must be stated in attachment 14 to the Petition, their dates of death must also be stated. Need <i>Notice of Hearing</i>. Need proof of service by mail of <i>Notice of Hearing</i> at least 15 days before the hearing to all persons who should be listed on attachment 14.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Decedent will?? (See notes)	
<input checked="" type="checkbox"/>	Inventory	Petitioner requests Court determination that decedent's interest in real property located on Lafayette Avenue in Fresno, CA pass to him pursuant to decedent's will? (see notes)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 06/24/14
			Updates:
			Recommendation:
			File 22 - Eaves

Atty Lovejoy, Randy (Pro Per Petitioner)

Atty Price, Jennifer Marie (Pro Per Petitioner)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 5-23-12		RANDY LOVEJOY and JENNIFER MARIE PRICE , Friends, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. Need filing fee of \$435.00. This petition was filed with a fee waiver; however, because the asset valued at \$70,000.00 is requested to be distributed to Petitioners. Therefore, the filing fee is due prior to distribution. 2. Petitioners do not state Decedent's interest in the property. Did the decedent own a 100% interest in the property? 3. Decedent's will is not self-proving. The Court may require Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220. 4. Need order (DE-315).
		40 days since DOD	
		No other proceedings	
	Aff.Sub.Wit.		
✓	Verified	I&A: \$70,000.00	
✓	Inventory	Will dated 3-10-10 devises decedent's entire estate to Petitioners.	
	PTC		
	Not.Cred.		
	Notice of Hrg	Petitioners request Court determination that Decedent's real property located at 3992 E. Marcus in Friant, CA, passes to them, each as to an undivided one-half interest.	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6-25-14
			Updates:
			Recommendation:
			File 23 - Talbot